UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,968	03/19/2004	Kyoung-sig Roh	Q80077	6471

23373 7590 11/24/2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
TRAN, MY CHAU T	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/803,968	ROH ET AL.	
	Examiner	Art Unit	
	MY-CHAU T. TRAN	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6-8,11 and 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6-8,11 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/12/2008 has been entered.

Application and Claims Status

2. Applicant's amendment and response filed 09/12/2008 are acknowledged and entered.

3. Claims 1-14 were pending. Applicants have amended claims 1, 4, 7, and 8; and cancelled claims 2, 5, 9, 10, 12, and 13. No claims were added. Therefore, claims 1, 3, 4, 6-8, 11, and 14 are currently pending and are under consideration in this Office Action.

Maintained Rejection(s)

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 3, 4, 6-8, 11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson et al. (US 6,982,697 B2; *Filing Date of 05/31/2002*).

For ***claims 1, 3, and 7***, Wilson et al. disclose a wireless input system (see e.g. Abstract; col. 1, line 14-19; col. 2, line 56 thru col. 3, line 20). In general, the input system includes a case, the radio frequency (RF) transceiver, power supply, microcontroller, and orientation sensors that include an accelerometer and a magnetometer (see e.g. col. 3, lines 10-20; col. 4, lines 6-43; col. 9, lines 5-47; col. 18, lines 5-57; fig. 3). The accelerometer (refers to instant claimed accelerations detection unit) and magnetometer (refers to instant claimed magnetic field detection unit) outputs x, y, and z axis signals that is use to define the orientation of the input device in terms of its pitch, roll, and yaw angle about the x, y, and z axes of the coordinate system (refers to instant claimed detects a tilt angle/detects respective axial direction accelerations of the movement)(see e.g. col. 4, lines 6-43; col. 9, lines 5-47; col. 18, lines 5-57). Additionally, Wilson et al. disclose that the pitch, roll, and yaw angles about the x, y, and z axes of the coordinate system are use to establish the rotation matrix (see e.g. col. 18, lines 52-57), wherein it is art recognized that the rotation matrix is define as rotation of the object relative to fixed axes, i.e. the pitch, roll, and yaw angle about the x, y, and z axes of the coordinate system correlates to rotating the input device along the x, y, and z axes (see e.g. Rotation Matrix definition from http://mathworld.wolfram.com/RotationMatrix.html, pgs. 4-5). As a result, this disclosure imply that the accelerometer of Wilson et al. measure the accelerations of the input system "*along an axis*" as claimed in instant claims 1 and 7. The case houses the radio frequency (RF) transceiver, power supply, microcontroller, and orientation sensors (refers to instant claimed mounted in a pen-shaped body/handheld body), and can be in the shape of a cylindrical wand (refers to instant claimed handheld body) or a writing pen (refers to instant claimed pen-shaped body) (see e.g. col. 3, lines 10-20; col. 8, line 59 thru col. 9, line 4). The

microcontroller (refers to instant claimed control unit) transmits via the RF transceiver (refers to instant claimed communication module) to the host computer (refers to instant claimed external computing device) orientation messages that contained the calculated values of the input system orientation about the x, y, and z axes of the coordinate system base on the output x, y, and z axis signals of the accelerometer and magnetometer (refers to instant claimed functional limitations of the instant claimed control unit) (see e.g. col. 4, lines 6-43; col. 8, lines 16-37; col. 18, lines 5-50; figs. 11A and 11B). Additionally, Wilson et al. disclose that the type of accelerometer include a 3-axis accelerometer (see e.g. col. 20, line 59 thru col. 21, line 3).

For ***claims 4, 6, 8, 11, and 14***, Wilson et al. disclose the method of determining the orientation of the input system (see e.g. col. 2, line 56 thru col. 3, line 9; col. 3, lines 21-31; col. 3, line 57 thru col. 4, line 43). The method comprises the steps of a) detecting the pitch, roll, and yaw angle about the x, y, and z axes of the coordinate system using the accelerometer and magnetometer (refers to instant claimed detecting step); b) calculating the input system orientation about the x, y, and z axes of the coordinate system base on the measurements of the accelerometer and magnetometer (refers to instant claimed calculating step); c) transmitting the calculated values of the input system orientation about the x, y, and z axes of the coordinate system to the host computer (refers to instant claim 6) (see e.g. col. 3, line 57 thru col. 4, line 43; col. 8, lines 16-37; col. 18, lines 5-57; figs. 11A and 11B). Additionally, Wilson et al. disclose that the measurements of the accelerometer, i.e. the pitch, roll, and yaw angle about the x, y, and z axes of the coordinate system, are use to establish the rotation matrix (see e.g. col. 18, lines 52-57), wherein it is art recognized that the rotation matrix is define as rotation of the object relative to fixed axes, i.e. the pitch, roll, and yaw angle about the x, y, and z axes of the coordinate

system correlates to rotating the input device along the x, y, and z axes (see e.g. Rotation Matrix definition from http://mathworld.wolfram.com/RotationMatrix.html, pgs. 4-5). As a result, this disclosure imply that the accelerometer of Wilson et al. measure the accelerations of the input system "*along an axis*" as claimed in instant claims 4 and 8. The case of the input system houses the radio frequency (RF) transceiver, power supply, microcontroller, and orientation sensors that include an accelerometer and a magnetometer (refers to instant claimed mounted in a pen-shaped body/handheld body), and can be in the shape of a cylindrical wand (refers to instant claimed handheld body) or a writing pen (refers to instant claimed pen-shaped body)(see e.g. col. 3, lines 10-20; col. 4, lines 6-43; col. 8, line 59 thru col. 9, line 4; col. 9, lines 5-47; col. 18, lines 5-57; fig. 3). The microcontroller (refers to instant claimed control unit) transmits via the RF transceiver (refers to instant claimed communication module) to the host computer (refers to instant claimed external computing device) orientation messages that contained the calculated values of the input system orientation about the x, y, and z axes of the coordinate system base on the output x, y, and z axis signals of the accelerometer and magnetometer (refers to instant claimed calculating and converting steps; and instant claims 11 and 14) (see e.g. col. 4, lines 6-43; col. 8, lines 16-37; col. 18, lines 5-57; figs. 11A and 11B). Additionally, Wilson et al. disclose that the type of accelerometer include a 3-axis accelerometer (see e.g. col. 20, line 59 thru col. 21, line 3).

Therefore, the device and method of Wilson et al. do anticipate the instant claimed invention.

Response to Arguments

6. Applicant's arguments directed to the above 102(b) rejection were considered but they are not persuasive for the following reasons. Please note that the above rejection has been modified from it original version to more clearly address applicant's newly amended and/or added claims and/or arguments.

[1] Applicant contends that the reference of Wilson et al. does not teach or disclose "*an acceleration detection unit mounted in the pen-shaped body which detects respective axial direction accelerations along an axis of the movement of the pen-shaped body*", especially detecting the "*axial direction accelerations along an axis of the movement of the pen-shaped body*".

[2] Applicant alleges that "*Wilson fails to disclose, a control unit which calculates absolute coordinates of the movement of the pen-shaped body from the tilt angle measured at the magnetic field detection unit and the acceleration measured at the acceleration detection unit, wherein the control unit converts 3-axis acceleration measurement values detected at the acceleration detection unit into measurement values of a pen tip of the pen-shaped body to generate converted measurement values, and applies the converted measurement values of the pen tip for calculating absolute coordinates*".

[3] Applicant argues that "*Wilson fails to disclose wherein the control unit calculates a handwriting trajectory of a tip of the pen-shaped body based on the absolute coordinates of the movement of the pen-shaped body*".

This is not found persuasive for the following reasons:

[1] The examiner respectfully disagrees. It is the examiner's position that the reference of Wilson et al. does teach or disclose "*an acceleration detection unit mounted in the pen-shaped body which detects respective axial direction accelerations along an axis of the movement of the pen-shaped body*", especially detecting the "*axial direction accelerations along an axis of the movement of the pen-shaped body*". First, it is not disputed that the accelerometer of Wilson et al. measure the pitch, roll, and yaw angle about the x, y, and z axes of the coordinate system for the input system. However, Wilson et al. also disclose that these measurements, i.e. the pitch, roll, and yaw angles about the x, y, and z axes of the coordinate system, are use to establish the rotation matrix (see e.g. col. 18, lines 52-57). It is art recognized that the rotation matrix is define as rotation of the object relative to fixed axes, i.e. the pitch, roll, and yaw angle about the x, y, and z axes of the coordinate system correlates to rotating the input device along the x, y, and z axes, which is supported by http://mathworld.wolfram.com/RotationMatrix.html (a copy of this definition is provided). Consequently, the measurement of the pitch, roll, and yaw angle about the x, y, and z axes of the coordinate system of the input system is the instant claimed functional limitation of '*detects respective axial direction accelerations along an axis of the movement of the pen-shaped body*'. Second, the instant claimed functional limitation of '*detects respective axial direction accelerations along an axis of the movement of the pen-shaped body*' does not impart any structural distinction between the instant claimed '*acceleration detection unit*' and the accelerometer of Wilson et al. See MPEP § 2114, which states as follows:

> *APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART* **>While features of an apparatus may be recited either structurally or functionally, claims< directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function.** *>In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)* (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart, 439 F.2d 210, 212-*

> *13, 169 USPQ 226, 228-29 (CCPA 1971); < In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).* "[A]pparatus claims cover what a device is, not what a device does." *Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990)* (emphasis in original).
>
> *MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART*
>
> **A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim.** *Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).*

Third, applicant's assertion that there is a distinction between rotation 'about' an axis and the instant claimed 'along' an axis, i.e. "*Applicants submit that rotating "about" an axis does not correlate to rotating along an axial direction*", does not rise to the level of factual evidence. See MPEP § 716.01(c): The arguments of counsel cannot take the place of evidence in the record. *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965). Here, applicant fails to provide any evidence and/or scientific reasoning to establish that there is a distinction between rotation 'about' an axis and the instant claimed 'along' an axis, but rather applicant support this assertion by picking and choosing certain passages in the reference of Wilson et al.

[2] The examiner respectfully disagrees. It is the examiner's position that the reference of Wilson et al. does teach or disclose "*a control unit which calculates absolute coordinates of the movement of the pen-shaped body from the tilt angle measured at the magnetic field detection unit and the acceleration measured at the acceleration detection unit, wherein the control unit converts 3-axis acceleration measurement values detected at the acceleration detection unit into measurement values of a pen tip of the pen-shaped body to generate converted measurement values, and applies the converted measurement values of the pen tip for calculating absolute coordinates*". First, the functional limitations of "*calculates absolute coordinates of the movement of the pen-shaped body from the tilt angle measured at the magnetic field detection*

unit and the acceleration measured at the acceleration detection unit" and "*converts 3-axis acceleration measurement values detected at the acceleration detection unit into measurement values of a pen tip of the pen-shaped body to generate converted measurement values, and applies the converted measurement values of the pen tip for calculating absolute coordinates*" are merely directed to the manipulations of data obtained from the instant claimed '*the magnetic field detection unit*' and '*the acceleration detection unit*', and as a result does not impart any structural distinction between the instant claimed '*control unit*' and the control unit of Wilson et al. See MPEP § 2114, which states as follows:

> *APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART*
> **>While features of an apparatus may be recited either structurally or functionally, claims< directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function.** *>In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)* (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); < In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).* "[A]pparatus claims cover what a device is, not what a device does." *Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990)* (emphasis in original).
>
> *MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART*
> **A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim.** *Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).*

Here, the control unit of Wilson et al. can also perform data manipulations of the data obtained by the accelerometer and the magnetometer as discussed in paragraph 5 above. Accordingly, the reference of Wilson et al. does teach or disclose "*a control unit which calculates absolute coordinates of the movement of the pen-shaped body from the tilt angle measured at the magnetic field detection unit and the acceleration measured at the acceleration detection unit, wherein the control unit converts 3-axis acceleration measurement values detected at the*

acceleration detection unit into measurement values of a pen tip of the pen-shaped body to generate converted measurement values, and applies the converted measurement values of the pen tip for calculating absolute coordinates". Second in regard to the instant claimed method of claims 4 and 8, the instant claimed method steps of "*calculating absolute coordinates of the pen-shaped body from the tilt angle detected at the magnetic field detection unit and the acceleration detected at the acceleration detection unit*" and "*converting 3-axial acceleration measurement values detected at the acceleration detection unit into an acceleration value of a pen tip of the pen-shaped body, wherein the operation of calculating the absolute coordinates of the pen-shaped body calculates the absolute coordinates of the pen-shaped body with the acceleration value of the pen tip*" do not transform and/or alter the instant claimed pen-shaped/handheld input system for the instant claimed method steps are merely directed to the manipulations of data obtained from the instant claimed '*the magnetic field detection unit*' and '*the acceleration detection unit*'. Hence, these methods steps do not distinguish the instant claimed method of claims 4 and 8 from the method of Wilson et al. Moreover, Wilson et al. disclose a method that includes the steps of performing data manipulations of the data obtained by the accelerometer and the magnetometer as discussed in paragraph 5 above.

[3] The examiner respectfully disagrees. It is the examiner's position that the reference of Wilson et al. does teach or disclose that "*the control unit calculates a handwriting trajectory of a tip of the pen-shaped body based on the absolute coordinates of the movement of the pen-shaped body*". First, the functional limitation of "*calculates a handwriting trajectory of a tip of the pen-shaped body based on the absolute coordinates of the movement of the pen-shaped body*" is merely directed to the manipulations of data obtained from the instant claimed '*the magnetic*

field detection unit' and '*the acceleration detection unit*' in regard to the instant claimed pen-shaped/handheld input system being held by a user, and as a result does not impart any structural distinction between the instant claimed '*control unit*' and the control unit of Wilson et al. See MPEP § 2114, which states as follows:

> *APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART*
> **>While features of an apparatus may be recited either structurally or functionally, claims< directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function.** *>In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)* (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); < In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).* "[A]pparatus claims cover what a device is, not what a device does." *Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990)* (emphasis in original).
>
> *MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART*
> **A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim.** *Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).*

Here, the control unit of Wilson et al. can also perform data manipulations of the data obtained by the accelerometer and the magnetometer in regard to the input system being held by a user as discussed in paragraph 5 above. Consequently, the reference of Wilson et al. does teach or disclose that "*the control unit calculates a handwriting trajectory of a tip of the pen-shaped body based on the absolute coordinates of the movement of the pen-shaped body*". Second in regard to the instant claimed method of claims 4 and 8, the instant claimed method step of "*calculating a handwriting trajectory of a tip of the pen-shaped body based on the absolute coordinates of the pen-shaped body*" do not transform and/or alter the instant claimed pen-shaped/handheld input system for the instant claimed method step is merely directed to the manipulations of data obtained from the instant claimed '*the magnetic field detection unit*' and '*the acceleration*

detection unit' in regard to the instant claimed pen-shaped/handheld input system being held by a user. Hence, this method step does not distinguish the instant claimed method of claims 4 and 8 from the method of Wilson et al. Moreover, Wilson et al. disclose a method that includes the steps of performing data manipulations of the data obtained by the accelerometer and the magnetometer in regard to the input system being held by a user as discussed in paragraph 5 above.

Therefore, the teachings of Wilson et al. do anticipate the device and method of the instant claims, and the rejection is maintained.

New Rejection(s) – Necessitated by Amendment

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 3, 4, 6, 7, 8, 11, and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. (This is a new matter rejection).

a. Both instant claim 1 and 7 recites the new limitation of "*axial direction accelerations along an axis of the movement of the ... body*", and more specifically the

limitation of '*accelerations along an axis*', wherein the term 'along' can be interpreted to be 'at a point or points on' base on the dictionary definition the term (see Merriam-Webster Dictionary of the term 'along') and as a result this limitation is interpreted to be acceleration point(s) on an axis. This limitation, which narrows the structural features of the instant claimed acceleration detection unit, is not supported by the originally filed specification and/or claims; nor has applicant provided any indication where such support exists. See pg. 6, 2nd full paragraph of response filed 01/20/2008). See MPEP § 714.02, 5th paragraph, last sentence; MPEP § 2163.02; and MPEP § 2163.06. Furthermore, the originally filed specification does not specifically disclose that the detected acceleration of the instant claimed body is ***an acceleration point(s) on*** the axis but rather a genetic disclosure that the detected acceleration of the pen is "*in x-, y-, and z-axis directions*" (see instant specification pg. 8, paragraph [33]; fig. 3). Moreover, the original claims 1 and 7 recite limitation of "*axial direction accelerations of the movement of the ... body*". However, this limitation does not provide support for the claimed species that the detected acceleration of the instant claimed body is ***an acceleration point(s) on*** the axis, i.e. the limitation of '*accelerations along an axis*', since a genus does not define a species. Consequently, this limitation have no specification or original claims support, and it is considered new matter.

If applicants disagree, applicant should present a detailed analysis as to why the claimed subject matter has clear support in the originally filed specification and/or claims.

b. Both instant claims 4 and 8 recites the new limitation of "*three-dimensional axial direction acceleration along an axis based on a movement of a ... body*", and more specifically the limitation of '*acceleration along an axis*', i.e. the term 'along' can be interpreted to be 'at a point or points on' base on the dictionary definition the term (see Merriam-Webster Dictionary of the term 'along') wherein the limitation is interpreted to be acceleration point(s) on an axis. This limitation, which narrows the structural features of the instant claimed method step of detecting the acceleration, is not supported by the originally filed specification and/or claims; nor has applicant provided any indication where such support exists. See pg. 6, 2nd full paragraph of response filed 01/20/2008). See MPEP § 714.02, 5th paragraph, last sentence; MPEP § 2163.02; and MPEP § 2163.06. Furthermore, the originally filed specification does not specifically disclose that the detected acceleration of the instant claimed body is ***an acceleration points on*** the axis but rather a genetic disclosure that the detected acceleration of the pen is "*in x-, y-, and z-axis directions*" (see instant specification pg. 8, paragraph [33]; fig. 3). Moreover, the original claims 4 and 8 recite limitation of "*three-dimensional axial direction an acceleration based on a movement of a ... body*". However, this limitation does not provide support for the claimed species that the detected acceleration of the instant claimed body is ***an acceleration point(s) on*** the axis, i.e. the limitation of '*acceleration along an axis*', since a genus does not define a species. Consequently, this limitation have no specification or original claims support, and it is considered new matter.

If applicants disagree, applicant should present a detailed analysis as to why the claimed subject matter has clear support in the originally filed specification and/or claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MY-CHAU T. TRAN whose telephone number is (571)272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MY-CHAU T. TRAN/
Primary Examiner, Art Unit 2629

November 25, 2008